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Air Pollution Regulations in State Implementation Plans California, Nevada County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Nevada County

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Air Pollution Regulations in State Implementation Plans:

California

Nevada County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-23

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET OF

EPA-APPROVED REGULATION CHANGES

NEVADA COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regulations approved unless noted otherwise

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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ARTICLE 1. GENERAL PROVISIONS

(2.0) Sec. 1 Title

These rules and regulations shall be known as the Rules of the Air Pollution Control District.

(1.0) Sec. 2 Definitions

Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

(a) Agricultural Burning. "Agricultural Burning" as used in this section means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management or range improvement.

(b) Atmosphere. "Atmosphere" means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

(c) Board. "Board" means the Air Pollution Control Board of Air Pollution Control District of Nevada County.

(d) Combustible Refuse. "Combustible Refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

(e) "Combustion contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(f) Condensed Fumes. "Condensed Fumes" are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction when these processes create air-borne particles.

(g) Dusts. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

(h) Multiple Chamber Incinerator. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure, or part

of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least seventeen (17), tested according to the method described in the American Society for Testing Materials, Method C-24.

(i) Open Burning. "Open Burning" is any burning process not involving use of a multiple-chamber incinerator. Open burning does not include fireplaces as normally used in structures.

(j) Open Outdoor Fire. "Open Outdoor Fire" as used in this regulation means combustion of any combustible rubbish or other material of any type outdoors in the open air not in any enclosure, where the products of combustion are not directed through an approved type incinerator. "Open outdoor fire" does not include fireplaces normally used in structures.

(k) Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

(l) Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

(m) Process Weight Per Hour. "Process Weight" is the total weight of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

The "Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(n) Regulation. "Regulation" means one of the major sub-divisions of the Rules of the Air Pollution Control District of Nevada County.

(o) Residential (less than four dwelling units) Rubbish. "Residential Rubbish" means rubbish originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.

(p) Rules. "Rule" means a rule of the Air Pollution Control District

of Nevada County.

(q) Section. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(r) Truckee Area: All that area of Nevada County east of the Mountain Area.

(s) Ventilation Index as given by U.S. Weather Bureau, Sacramento, California:

180 or less - poor	401 - 600 - good
181 - 400 - fair	600 + very good

(t) Western Nevada County: All that area in the County west of the Mountains.

(u) Process Weight Rate: "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. Process Weight Rate will be derived by dividing the total process weight by the number of hours in any complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(50.1.1) Sec. 3 Standard Conditions

Standard conditions are a gas temperature of sixty degrees (60°) Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

(15.0) Sec. 4 Enforcement

These Rules and Regulations shall be enforced by the Air Pollution Control Officer under authority of Section 24224 (b), Article 2; and Sections 24260, 24262, Article 4; and all officers empowered by Section 24221, Article 2.

(2.0) Sec. 5 Validity

If any regulation, rule, subdivision, sentence, clause or phrase of these Rules and Regulations if for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause and

phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

(2.0) Sec. 6 Effective Date

These Rules and Regulations shall take effect on June 30, 1971.

ARTICLE 2. APPLICATION FOR BUILDING PERMIT

(3.0) Sec. 10 Construction Permit Required

Before any building permit may be issued by the County or City for any building other than residential, which involves emissions into the air, approval by the Air Pollution Control District must be first obtained. No construction or use of any building, article, machine, equipment, etc., which may cause emission of air contaminant shall take place without approval of the Air Pollution Control District.

(3.0) Sec. 11 Registration Required

Registration of all existing equipment, contrivances, or places of business that have burning or send emissions into the atmosphere is required by July 31, 1971. Registration shall be made on forms provided by APCD.

(3.0) Sec. 12 Exemptions From Permit And Registration

An authorization to construct, permit to operate, or registration, shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four (4) families.

(d) The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston type internal combustion engines.

(4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics or wood.

(7) Residential incinerators when used for burning of paper or leaves.

(e) Space heaters.

(f) Equipment for food preparation.

(g) Steam heated by natural gas or LPG or both.

(h) Self-propelled mobile construction equipment other than pavement burners.

(3.0) Sec. 15 Standards For Granting Applications For Building Permits

(a) The Air Pollution Control Officer shall deny authorization to construct, or permit to operate or permit to sell or rent, except as provided in Section 16, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

(b) Before authorization to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authorization to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the

utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

(c) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

(2.0) Sec. 16 Conditional Approval

(a) The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 15, in which case the conditions shall be specified in writing. Commencing work under such an authorization to construct, or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 15 under the revised conditions.

(b) The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 15, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 15 under the revised conditions.

(3.0) Sec. 17 Denial of Applications

In the event of denial of authorization to construct, permit to operate, or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served. The Air Pollution Control Officer shall not accept a further application unless

the applicant has complied with objections specified by the Air Pollution Control Officer as his reasons for denial of the authorization to construct, the permit to operate or the permit to sell or rent.

(2.0) Sec. 18 Further Information

Before acting on an application for authorization to construct, or permit to operate, or permit to sell or rent, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) Sec. 19 Applications Deemed Denied

The applicant may, at his option, deem the authorization to construct, permit to operate, or permit to sell or rent approved if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing, or within thirty (30) days after applicant furnished the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) Sec. 20 Appeals

Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an authorization to construct, permit to operate, to permit to sell or rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

ARTICLE 3. FEES

(16.0) Sec. 40 Hearing Board Fees

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of Fifteen Dollars ($15.00).

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

(c) This Rule shall not apply to petitions filed by the Air Pollution Control Officer.

(9.0) Sec. 41 Analysis Fees

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel. The time required for collecting samples, making the analysis and preparing the necessary reports, but excluding time required to going to and from such premises, shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(13.0) Sec. 42 Technical Reports, Charges For

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District, when supplied to other governmental agencies or individuals or groups requesting copies of the same, may be charged for by the District in sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.

ARTICLE 4. PROHIBITIONS

(2.0) Sec. 49 District-Wide Coverage

Prohibitions, as set forth in this Article, shall apply in all portions of the Nevada County Air Pollution Control District unless otherwise stated.

(50.1.2) Sec. 50 Ringelmann Chart

A person shall not discharge into the atmosphere from any single source or emission whatsoever any air contaminants for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann chart, as published by the United States Bureau of Mines (except in Truckee Area, which limit is Ringelmann No. 1), or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection (a) of this Section.

(50.7) Sec. 51 Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons, or to the public, or which endanger the comfort, repose, health or safety of any such persons, or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

Note: Pursuant to Section 24241 of Chapter 2, Division 20 of the State Health and Safety Code, Section 50 and 51 are effective as of March 3, 1970.

(50.1) Sec. 52 Particulate Matter

Except as otherwise provided in Sections 53 and 55, a person shall not discharge into the atmosphere, from any source, particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions.

Sec. 52.1 Process Weight Rate

A person shall not discharge into the atmosphere from any source, solid particulate matter in excess of the rate shown in the following table.

For the purposes of this rule, solid particulate matter includes any material which would become solid particulate matter if cooled to standard conditions.

This Section shall become effective on January 1, 1974 for all sources which are either in operation, or under construction on June 1, 1972. This Section shall be effective for all other sources on June 1, 1972.

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Interpolation of the data for the process weight rates up to 30 tons/hr. shall be accomplished by the use of the equation:

$$E = 4.10\ P^{0.67} \qquad P \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 30 tons/hr. shall be accomplished by use of the equation:

$$E = 55.0\ P^{0.11} - 40 \qquad P > 30 \text{ tons/hr.}$$

Where: E = Emissions in pounds per hour.
P = Process weight rate in tons per hour.

(50.0) Sec. 53 Specific Contaminants

A person shall not discharge into the atmosphere from any single source of emission whatsoever any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

(a) Sulphur Compounds calculated as sulphur dioxide (SO_2) 0.2 percent, by volume.

(b) Combustion Contaminants: 0.3 grain per cubic foot of gas calculated to twelve percent (12%) of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to twelve percent (12%) of carbon dioxide (CO_2).

(2.0) Sec. 55 Exceptions The provisions of Section 50 do not apply to:

(a) Smoke from fires set by, or permitted by, any public officer if such fire is set, or permission given, in the performance of the official duty of such officer, and such fire, in the opinion of such officer, is necessary.

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire.

(b) Smoke from fires pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

(d) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.

(e) Smoke from fires as provided for in Section 57.

(f) Emission which results from equipment breakdown. The person responsible for such emission shall, with all practicable speed, initiate and complete appropriate action to correct the condition causing such emissions and reduce the frequency of occurrence of such condition. He shall report such breakdown to the Control Officer within twenty-four (24) hours of such occurrence.

(g) Smoke or fumes which result from acts of God.

(51.13) Sec. 57 OPEN BURNING.

(a) Pursuant to California State Law, open burning will be prohibited (if a building or more than two (2) dwelling units) after December 31, 1971.

(b) No new commercial, industrial, institutional, governmental agency operations, and multiple residential (if a building of more than four (4) dwelling units) open burning shall be permitted after the effective date of this subsection.

(c) As to open burning not banned by subparagraphs (a) and (b) above, the following regulations shall apply:

(1) Foothill, Mountain, and Truckee Areas: Open burning is prohibited on days when the U.S. Weather Bureau issues a ventilation index of less than 401 in any of the areas. In such event, warning shall be issued over local media by the Air Pollution Control District. This subsection shall not apply to safety flares, fires nor cooking of food for human consumption, nor fires for recreational purposes, nor to back fires or other fire control methods used for the purpose of controlling an existing wild-fire.

(a) This subsection shall not apply to burning permitted under Section 55(a).

(b) Agricultural burning is permitted, but only on days where the U.S. Weather Bureau reports the ventilation index as more than 401.

(c) All Areas: Orchard heaters are permitted if they do not emit unconsumed solid carbonaceous matter of more than one (1) gram per minute.

Note: State Law, after January 1, 1975, will not permit the use of such excessively discharging heaters. State Law prohibits the sale of such heaters after January 1, 1971.

(51.9) Sec. 58 INCINERATOR BURNING.

(a) Except for the burning of residential rubbish which meets the requirements Section 57, a person shall not burn any combustible refuse within the boundaries of the Nevada County Air Pollution Control District, except in a multiple-chamber incinerator as described in Section 2(j) or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

(b) Additional Prohibitions. The following items are banned from being burned at any time within the Nevada County Air Pollution Control District unless the burning is performed in equipment meeting the requirements of Section 58:

(1) Burning of tires.

(2) Rubber products.

(3) Car bodies or parts.

(4) Demolition material.

(2.0) Sec. 59 CIRCUMVENTION.

A person shall not build, erect, install, or use article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these Rules and Regulations. This Section shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California.

(51.21) Sec. 60 REDUCTION OF ANIMAL MATTER.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than twelve hundred degrees Fahrenheit (1200F) for a period of not less than 0.3 second, or

(b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the Authorization to Construct or Permit to Operate, or as specified by the Air Pollution Control Officer, or indicating temperature, pressure of other operating conditions.

For the purpose of this Section, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this Section shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

ARTICLE 5. PROCEDURE BEFORE THE HEARING BOARD

(2.0) Sec. 75 GENERAL

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) Sec. 76 FILING PETITIONS.

Requests for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, and the payment of the fee of Fifteen Dollars ($15.00) provided for in Section 40 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer, and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail and service may be proved by written acknowledgement of the person served.

(2.0) Sec. 77 CONTENTS OF PETITIONS. Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices;

(b) Whether the petitioner is an individual, co-partnership, or corporation or other entity; names and addresses of the partners if a co-partnership; names and addresses of the officers if a corporation; and the names and addresses of the persons in control, if other entity.

(c) The type of business or activity involved in the application, and the street address at which it is conducted;

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application;

(e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

(1) To determine whether a permit shall be revoked or suspended permit reinstated under Section 24274, Health and Safety Code of the State of California;

(2) For a variance under Section 24292, Health and Safety Code;

(3) To revoke or modify a variance under Section 24298, Health and Safety Code;

(4) To review the denial or conditional granting of an authorization to construct, permit to operate, or permit to sell or rent under Sections 15 and 16 of these Rules and Regulations.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf; and where the person signing is not the petitioner, it shall set forth his authority to sign.

(g) Petitions for revocation of permits shall allege, in addition, the section under which permit was granted and the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege, in addition, the section under which the permit was granted; the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished; and whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

(i) All petitions shall be typewritten, double spaced, on letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) Sec. 78 PETITIONS FOR VARIANCES In addition to the matters required by Section 77, petitions for variances shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule, or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(g) Whether or not operations under such variance, if granted, would constitute a nuisance.

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(i) Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) Sec. 79 APPEAL FROM DENIAL.

A petition to review a denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent shall, in addition to the matters required by Section 77, set forth a summary of the application, or a copy thereof; the alleged reasons for the denial or conditional approval; and the reasons for appeal.

(2.0) Sec. 80 FAILURE TO COMPLY WITH RULES.

The clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Sections relating to the form, filing and service of petitions unless the Chairman or any two of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Sec. 81 ANSWERS.

Any person may file an answer within ten (10) days after service. All answers shall be served the same as petitions under Section 76.

(2.0) Sec. 82 DISMISSAL OF PETITION.

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Sec. 83 PLACE OF HEARING.

All hearings shall be held at Nevada City, the County seat, unless some other place is designated by the Hearing Board.

(16.0) Sec. 84 NOTICE OF HEARING.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, 24299, Health and Safety Code.

(2.0) Sec. 85 EVIDENCE.

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing of explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) Sec. 86 PRELIMINARY MATTERS.

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments, and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) Sec. 87 OFFICIAL NOTICE.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Sec. 88 CONTINUANCES.

The Chairman or any two members of the Hearing Board shall grant any continuance of fifteen (15) days or less concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action, and may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) Sec. 89 DECISION.

The decision shall be in writing, served and filed within fifteen (15) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Sec. 90 EFFECTIVE DATE OF DECISION.

The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision as provided in Section 89, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Sec. 91 LACK OF PERMIT.

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board, after a denial of a permit to operate and a petition for a variance, may be filed with the Hearing Board, after a denial of a permit to operate by the Air Pollution Control Officer, may include a permit to operate for the duration of the variance.

AIR POLLUTION CONTROL
DISTRICT BOUNDARIES